

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re:

Daniel Gallagher aka Daniel G. Gallagher
aka Daniel Gerard Gallagher,

Case No.: 8-23-70994-las

Chapter 7

Debtor.

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ORDER RESCHEDULING HEARING ON TRUSTEE’S APPLICATION

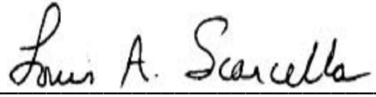
Robert L. Pryor, Chapter 7 Trustee (the “Trustee”) of the Bankruptcy Estate (the Estate”) of Daniel Gallagher (the “Debtor”), the debtor in the above-captioned Chapter 7 case, by his attorneys, Pryor & Mandelup, L.L.P., having filed an application dated June 8, 2023, for an Order pursuant to 11 U.S.C. §§ 105, and 363(b), (f), and (h), Rules 2002 and 6004 of the Federal Rules of Bankruptcy Procedure (“Bankruptcy Rules”), and E.D.N.Y. LBR 6004-1 (i), authorizing and approving the auction (the “Sale”) of the Estate’s interest in and to the real property known as 1640 Sterling Road, Cutchogue, New York 11935, free and clear of all liens, claims, encumbrances and interests (collectively “Liens”), with such Liens, if any, to attach to the net proceeds of the Sale to the same extent, priority, and validity as existed as of the Debtor’s filing of his Chapter 7 petition in this case on March 23, 2023, “as is”, “where is”, “with all faults,” with no representations or warranties of any kind or nature whatsoever, except as to insurable title, (ii) making findings regarding the propriety of the Sale, (iii) granting relief related to the Sale, including protection for the purchaser under 11 U.S.C. § 363(m), (iv) waiving the 14 day stay of Bankruptcy Rule 6004(h), and (v) granting the Trustee such other and further relief as this Court deems just and proper (the “Application”) [dkt. no. 17]; and the Debtor, by his attorneys, Phillips, Artura and Cox, having filed an Affirmation in Partial Opposition and Request for Adjournment on July 11, 2023 [dkt. no. 23]; and U.S. Bank Trust National Association, not in its individual capacity but solely as Owner Trustee

for RCF2 Acquisition Trust, having filed a limited response to the Application on July 11, 2023 [dkt. no. 24]; and after due deliberation, it is hereby

ORDERED, that the hearing on the Trustee's Application scheduled for July 18, 2023 at 10:00 a.m. shall be rescheduled for August 8, 2023 at 10:00 a.m.

Dated: July 12, 2023
Central Islip, New York




Louis A. Scarcella
United States Bankruptcy Judge